



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

GOV. MSG. NO. 858

Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 3009 SD2 HD2 CD1

On July 11, 2006, Senate Bill No. 3009 SD2 HD2 CD1, entitled "A Bill for an Act Relating to Civil Service Exempt Employees," became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill allows statutorily exempt positions within the Executive Branch to be converted to civil service. This bill also directs the Department of Human Resources Development and the Hawaii Government Employees Association to work collaboratively to establish a process for converting positions in various departments and appropriates \$110,064 for two positions in the Department.

The Legislature recognized that many positions within the State require people with specialized skills and expertise not found within the ranks of civil service personnel. As such, the Legislature specifically identified positions in law that should be exempt because of the nature of the programs they are managing. To now require a wholesale conversion of those positions to civil service ignores the original rationale of the Legislature when the positions were created and significantly reduces the ability of the Executive Branch to effectively manage and operate these programs.

Further, this bill may involve the conversion to civil service of positions attached to programs that are themselves temporary in nature. It is important to the integrity of the civil service program that positions within this system be used for programs that are ongoing in nature and reflect the permanency of a civil service appointment. Otherwise, there is the possibility that civil service personnel will have to be terminated once the temporary program they are working on is completed.

Finally, it should be noted there is no empirical evidence that the exempt employees currently in various statutorily exempt positions are not carrying out their jobs satisfactorily. In fact, the opposite seems to be the case. Departments with the ability to hire exempt personnel

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have been able to demonstrate a responsiveness and flexibility that has resulted in a satisfied client base and taxpayers who believe that government services are being handled well.

For the foregoing reasons, I allowed Senate Bill No. 3009 to become law as Act 300 effective July 11, 2006 without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to comply with Act 253, Session Laws of Hawaii 2000, which placed restrictions on the creation of civil service exempt positions and required the review of exempt positions annually to determine whether they should remain exempt or be converted to civil service status.

SECTION 2. Section 6E-3, Hawaii Revised Statutes, is amended to read as follows:

"§6E-3 Historic preservation program. There is established within the department a division to administer a comprehensive historic preservation program, which shall include but not be limited to the following:

(1) Development of an on-going program of historical, architectural, and archaeological research and development, including surveys, excavations, scientific recording, interpretation, and publications on the State's historical and cultural resources;

(2) Acquisition of historic or cultural properties, real or personal, in fee or in any lesser interest, by




- 1 SECTION 24. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 25. This Act shall take effect on July 1, 2006.




THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate



Clerk of the Senate


THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives